

REMARKS

In the communication dated February 27, 2002, the Examiner has newly restricted claims 1-118, under 35 U.S.C. §121, into six (8) groups which are considered to be distinct from each other.

To provide a complete response to this communication, applicants elect claims 1-14, 43-48, 63-68, 81, 83-91, 92-101, 102, 104 and 106-116 of Group 1 for examination purposes in the subject application. According to the communication, the Group 1 claims are drawn to a method of repairing genitourinary tract tissue comprising injecting genetically engineered muscle derived cells containing a heterologous gene, wherein the genitourinary tract dysfunction is urinary stress incontinence.

The Examiner has also called for an election of a species and has referred to claims 10, 24, 40 and 114. It is noted herein that only claims 10 and 114 are part of the claims of Groups 1-3. To be fully responsive to the Examiner's request, the applicants elect a growth factor (claim 114), specifically, insulin-like growth factor (claim 10), in response to the species election requirement involving the pertinent claims.

This election is made with traverse. The claims in Groups 1-3, in particular, are classified in class 424, subclass 93.21, and are directed to a method of repairing genitourinary tract tissue related to a genitourinary tract dysfunction, wherein the dysfunction is either urinary stress incontinence (Group 1), bladder inflammation (Group 2), or erectile dysfunction (Group 3). Because these groups all relate to a method of treating a genitourinary tract dysfunction and are classified in the same class

and subclass, it is believed that a search can be carried out on a combination of Groups 1-3 without an undue burden on the Examiner, since the method encompasses the treatment of all of the recited types of genitourinary tract dysfunctions. Due to the common categorization of their subject matter, it is respectfully requested that the claims of Groups 1-3, at the least, be examined together.

Also, as the claims of Groups 6-8 are classified in class 435, it is respectfully requested that the claims of Groups 6-8, which relate to muscle derived cells, be examined together, thereby resulting in fewer distinct claim groups for searching purposes.

With regard to the species election, made with traverse herein, it is also believed that the enumerated types of cytokines and factors that can be used to ameliorate genitourinary tract dysfunction when used in conjunction with the claimed method (of Groups 1-3) are able to be searched together, without imposing an undue burden on the Examiner's time. Thus, it is respectfully requested that the cytokines and growth factors as recited in the pertinent claims be searched and examined together, without a particular species election.

It is also believed that, for search purposes, the art is sufficiently related among the subject matter of Groups 1-3, in particular, to allow for a search of the art which covers a combination of Groups 1-3 as one group, and a combination of Groups 6-8 as one group. Such a search would be able to be conducted without a serious or undue burden on the Examiner's task and time.

In addition, it is requested that if the Examiner finds in his search that the subclass(es) of art are close, or pertain to more than one group of claimed subject matter, then the Examiner will kindly search the relevant claims as a combined group, rather than as separate groups. In this way, the total number of groups requiring a separate search and examination will be reduced.

AUTHORIZATION

Should fee(s) in addition to those paid herein be deemed necessary for the filing of this response, the Commissioner is hereby authorized to charge any fee(s) which may be deemed assessable in this application to Deposit Account No. 13-4500, Order No. 2710-4007US1.

Respectfully submitted,

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Date: July 9, 2002

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